

UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEW HAMPSHIRE

Stephen Miner

v.

Civil No. 06-cv-450-SM

New Hampshire State Prison, Warden

O R D E R

Plaintiff's objection is considered a motion to reconsider the dismissal of his case for failure to comply with the court's order requiring partial payment of the filing fee by March 1, 2007. Plaintiff did not make the required payment of \$24.60 by the date set, and now says it was not his responsibility, but that of the prison administration, to make the payment. Plaintiff does not say that he requested that the payment be made from his prison account, or that he authorized the payment, and the administration failed to comply. The court assumes, therefore, that he did neither. It is the regular business practice of the prison administration to forward filing fee payments to this court from prisoner accounts when the prisoner directs and authorizes such payments, assuming the account holds sufficient funds. If insufficient funds are available, the prison cannot forward the required amount, but the prisoner is free to seek a reduction in the partial fee due. In this case, however, the amount due was only \$24.60, and as of January 9, 2007, plaintiff had \$219.62 in his account, as evidenced by the certification and copy of his prisoner account filed by the administration

(Document no. 4). The motion for reconsideration of the court's dismissal without prejudice for failure to comply with the court's order requiring partial payment of the filing fee by March 1, 2007 is denied.

SO ORDERED.

April 10, 2007



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Steven J. McAuliffe  
Chief Judge

cc: Stephen Miner, pro se